

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA	:	
	:	
v.	:	CASE NO. 1:20-CR-162
	:	
DAVUD SUNGUR	:	
	:	
Defendant.	:	

**SUPPLEMENTAL MEMORANDUM IN SUPPORT OF DEFENDANT’S
SENTENCING POSITION**

In accordance with this Court’s policy regarding guideline sentencing, 18 U.S.C. § 3553(a), and the remedial scheme set forth in *United States v. Booker*, 543 U.S. 220 (2005) and *United States v. Hughes*, 401 F.3d 540 (4th Cir. 2005), Davud Sungur, by counsel, respectfully submits this supplemental memorandum in support of his position on sentencing.

I. Additional Authority in Support of Defendant’s Sentencing Position

In addition to the materials previously provided to the Court in the Defendant’s Sentencing Position filed earlier, the Defendant may also rely on the sentence imposed by the Hon. Liam O’Grady in *United States of America v. Andrew Jon Thomasberg* in support of his sentencing position. *United States of America v. Andrew Jon Thomasberg*, 1:19CR337, (E.D.Va. 2020). Andrew Jon Thomasberg, was a leader and recruiter for a Virginia-based cell of Atomwaffen Division, a neo-Nazi group that seeks to incite race war and a member of the white nationalist group Vanguard America. Pos. of the U.S. with Respect to Sentencing, 10-11, *United States of America v. Andrew Jon Thomasberg*, 1:19CR337, (E.D.Va. 2020).

Thomasberg also had a known criminal history. In 2013, he was convicted of assault for firing a shot at a car after the driver failed to make a payment in a drug deal. *Id.* at 7. He has also been linked to other violent episodes in multiple states. In a variety of text messages, Thomasberg

bragged about using racial epithets against a group of African Americans, and applauded as “saints” mass shooters who killed black, Jewish, or Muslim people. *Id.* at 11-13.

When he was arrested in September 2019, Thomasberg was charged with possessing weapons while abusing psychedelic drugs, and making false statements while buying a semiautomatic rifle for another person. *Id.* at 1. Thomasberg admitted to knowingly and unlawfully possessing at least four firearms between November 2018 and March 2019, while being addicted to psychedelic drugs. *Id.* at 2-3.

On November 12, 2019, Thomasberg pleaded guilty to one count of making a materially false statement in relation to the purchase of a firearm, in violation of 18 U.S.C. § 922(a)(6), and one count of possessing firearms while being an unlawful user of or addicted to controlled substances, in violation of 18 U.S.C. § 922(g)(3). *Id.* at 1-2. The United States, in its Sentencing Position, asked for a mere 18 months, despite all of the above aggravating factors. *Id.* at 14. At the February 28, 2020 sentencing hearing, Judge O’Grady imposed a sentence of 12 months and one day as to each count, to run concurrently with credit for time served. Sentencing Minutes, 1, *United States of America v. Andrew Jon Thomasberg*, 1:19CR337, (E.D.Va. 2020).

CONCLUSION

In the case at bar, Davud Sungur has accepted responsibility for his actions, has no criminal history, and has demonstrated his maturity, growth, and commitment to being a positive member of the community. The facts of *Thomasberg* are exceedingly more serious than here, and it is clear that Thomasberg himself is an exceedingly more dangerous person than Davud.

Given the nature and circumstances of the *Thomasberg* case versus the nature and circumstances in the case at bar, the imposition of any further active period of incarceration, especially in the midst of a severe and fast-spreading virus pandemic, would be greater than

necessary to meet the needs of sentencing. Davud's sole focus going forward is on being the best possible member of his community and family.

For all these reasons, Davud Sungur, by counsel, respectfully requests a sentence of time served, with a period of home confinement, supervised release, mental health treatment and community service.

Respectfully Submitted,
Davud Sungur,
By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2020, I electronically filed the foregoing pleading with the Clerk of Court using the CM/ECF system, which then sent a notification of such filing (NEF) to the following:

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